UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1, 3 - 10, 12, 16, 17, 19 - 26, 28 - 35, 39 - 41, 43 - 48, 50 and 51* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *11/24/2003*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Continuation of Disposition of Claims: Claims pending in the application are 1, 3 - 10, 12, 16, 17, 19 - 26, 28 - 35, 39 - 41, 43 - 48, 50 and 51.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 3 – 10, 12, 16, 17, 19 – 26, 28 –

35, 39 – 41, 43 – 48, 48, 50 and 51 filed on 03/30/2009 have been considered but are

moot in view of the new ground(s) of rejection.

Kuba et al (US 5806072) has been replaced with Mori et al (US 5854873).

Details are provided below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
>
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
>
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
>
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
>
> manner in which the invention was made.

3.   Claims 1, 3 – 6, 8 -10, 16, 17, 19 – 24, 26, 28 – 35, 39 – 41, 43 – 48, 50 and 51

are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (US

5854873)

Regarding **claim 1**, Mori et al discloses an image editing apparatus (fig 2, 100,

col 7, lines 16 - 26, scenario editor provides scenario to image editing apparatus shown

in fig 2) comprising:

a recording medium (fig 2, M, col 7, line 9) stores a compressed moving image

file (col 24, lines 8 – 11) and a scenario file (fig 2, st7 and st 39, col 7, lines 27 – 34 and

col 9, lines 51 – 54) wherein the scenario file is formed by recording a replay order or a

replay condition of the moving image file with a predetermined file format (col 7, lines 35

– 44, describes the scenario file)

a scenario evaluating circuit reads the scenario file from the recording medium

and evaluates the replay order or the replay condition (fig 3, 2100, col 10, lines 47 – 67,

scenario selector in combination with apparatus in fig 3 reads scenario file from disk M)

and

an editor reads the compressed moving image file from the recording medium,

decodes the read moving image file, edits the decoded moving image file in response to

the scenario evaluated by the scenario evaluating circuit and makes a new moving

image file (fig 3, st104 and st101, col 10 , line 19 to col 12, line 16 describe creation of

the new image file)

Mori et al is silent about a recorder compresses and records the new moving

image file on the recording medium

The examiner takes official notice that a recorder compresses and records the

new moving image file on the recording medium is notoriously well known in the art and

it would therefore be an obvious modification to Mori et al to include the mentioned

apparatus to the video and audio outputs where the data could be obtained by one of

ordinary skill in the art at the time of the invention.

Regarding **claim 3**, Mori et al further discloses that the scenario file comprises at

least one of a replaying speed of the moving image file, a number of repetitions for

replaying the moving image file, a replay range of the moving image file, a special

effect, and a replay of sound associated with moving image file (col 7, lines 35 – 44

illustrate scenario data st7 used to reproduce the scenario (sequence) intended by the

user)

Regarding **claim 4**, Mori et al further discloses wherein the scenario file includes

identification data indicating if other scenario files are recorded as part of the scenario

file and wherein the scenario evaluating circuit evaluates the replay order of the moving

image files by following the corresponding scenario file in a hierarchical manner based

on the identification data (col 7, lines 27 – 34 illustrate the usability of scenario files in

allowing the user to edit the title content, implying that the replay order can be

controlled and manipulated)

Regarding **claim 5**, Mori et al discloses a manual replay circuit for replaying the

moving image files recorded in the recording medium according to an external replay

operation (fig 3, 2100, col 10, lines 47 – 55 illustrate an external replay operation by the

scenario selector) and a first scenario editor that records a sequence of manual steps

as a replay order or replay condition in the scenario file (fig 3, 2300, col 10, lines 60 –

67 illustrate a scenario editor)

Regarding **claim 6**, Mori et al discloses an edit input unit for receiving the editing

operation for the plurality of moving image files (fig 2, 200, encode system controller

illustrates an edit input unit) and a second scenario making editor for recording a replay

order or replay condition as a scenario file based on the editing operation received from

the editing input unit (fig 2, 900, system encoder illustrates editor for recording the

scenario based file)

Regarding **claim 8**, Mori et al discloses wherein a replay mechanism replays

moving image files taken from the recording medium according to the replay order or

the replay condition evaluated by the scenario evaluating circuit (fig 3, col 10, line 19 to

col 12, line 23, illustrates the replay mechanism for replaying moving image file from

recording medium).

Regarding **claim 9**, Mori et al discloses wherein the recording medium further

includes a first recording medium for storing the moving image file and a second

recording medium for storing the scenario file (fig 2, st35 and st39 are formatted by

video zone formatter and converted to st43. They are then recorded as st45 on the

recording medium. Hence both moving image data and scenario files are on the same

recording medium)

Regarding **claim 10**, Mori et al discloses an image recording and editing

apparatus comprising:

a camera having an image capturing element for converting an image into digital

form (col 6, lines 57 – 62 illustrate a video camera)

a recording medium (fig 2, M)

a recorder records on the recording medium an plurality of moving image files

each representing a moving image acquired by the camera (fig 2, st45 includes moving

image file (video) st1 being recorded on recording medium M by recorder 1200)

a scenario file (fig 1, st7, col 7, line 65, scenario data)

a display (col 7, line 22 and col 20, line 22 illustrate display devices) and

a controller controls the display according to instructions stored in the scenario

file and controls the recording of the images in the image file (fig 3, 2300, decode

system controller, col 29, lines 49 – 65)

Regarding **claim 16**, Mori et al discloses a control panel interfacing with the

controller (fig 3, 2100, col 10, lines 47 – 55 illustrates keyboard interfacing controller

2300)

Regarding **claim 17**, Mori et al discloses an image compression/decompression

circuit for compressing/decompressing the images (fig 2,900, system encoder and fig 3,

system decoder)

Regarding **claim 24**, Mori et al further discloses wherein the controller resolves

inconsistencies in the scenario file according to one of a predetermined priority order or

an externally supplied instruction (fig 3, 2100, col 10, lines 47 – 55 scenario selector

provides external supplied instruction)

Regarding **claim 26**, Mori et al further discloses external controls for controlling

display of moving images on the display, and wherein the controller further edits the

moving image files in response to the external controls (fig 3, 2100, scenario selector in

combination with 2300, decode system controller edits moving image in response to

external controls, col 10, lines 47 – 55).

Regarding **claim 28**, Mori et al discloses the image and recording apparatus

further including;

a plurality of moving image files (fig 1, 100, scenario editor captures plurality of

moving images)

a plurality of scenario files, wherein each moving image has a corresponding

scenario file, and wherein the plurality of scenario files and the plurality of image files

are arranged hierarchically (fig 2, 100, st7, illustrates creating plurality of scenario files

and col 6, lines 26 – 33 illustrate linear sequence (hierarchical) of video title sets)

Regarding **claim 30**, Mori et al discloses a method of capturing and editing

moving images, comprising the steps of

capturing a plurality of moving images (fig 1, 100, scenario editor captures

plurality of moving images)

storing the plurality of moving images on the recording medium (fig 2, M, stores

plurality of moving images) and

creating a plurality of control instructions, wherein each of the plurality of moving

image files has a corresponding control instruction (fig 2, 200, encode system controller

creates control instructions)

Regarding **claim 31**, Mori et al further discloses the step of creating a plurality of

scenario files, wherein each of the plurality of scenario files corresponds to at least one

of the plurality of moving image files (fig 2, 100, st7, illustrates creating plurality of

scenario files)

Regarding **claim 32**, Mori et al discloses that the plurality of scenario files are

constructed in a hierarchical manner (col 6, lines 26 – 33 illustrate linear sequence

(hierarchical) of video title sets)

Regarding **claim 33**, Mori et al discloses that the step of creating the control instruction includes the step of creating a scenario file and storing the scenario file on the recording medium (fig 2, 100 and 200, scenario editor and controller).

Regarding **claim 34**, Mori et al discloses the step of creating the scenario file includes a step of storing a plurality of instructions in the scenario file (fig 2, 100, st7, col 7, lines 27 - 34, scenario editor and data).

Regarding **claim 35**, Mori et al further discloses the step of displaying the first moving image includes a step of resolving possible inconsistencies between each one of the plurality of instructions in the scenario file (fig 2, 100, st7, col 7, lines 27 - 34, scenario editor and data involve displaying the contents of the title in order to resolve inconsistencies).

Regarding **claim 39**, Mori et al discloses wherein the step of storing the first moving image on a recording medium stores the image on a disk-shaped recording medium using a disk drive (col 26, lines 13 – 15)

Regarding **claim 40**, Mori et al discloses wherein the step of capturing the first moving image includes a step of compressing a digital representation of the first moving image (fig 2, 900, system encoder)

Regarding **claim 41**, Mori et al discloses wherein the step of creating the control instruction creates the control instruction in response to an external input (fig 2, 100 and 200, scenario editor and controller, col 7, lines 27 - 34)

Regarding **claim 43**, Mori et al discloses wherein the step of displaying the first

moving image includes the step of decompressing a digital representation of the image

stored as an image file on the recording medium (fig 3, 2500, system decoder)

Regarding **claim 44**, Mori et al discloses wherein the control instruction includes

at least one of a replay, a delay, a special effect, or a replay order (fig 2, 200, col 8,

lines 36 – 55, controller generates title sequence)

Regarding **claim 45**, Mori et al discloses an image reproducing apparatus,

comprising;

a memory (col 6, lines 49 – 56, col 7, lines 63-64, memory) for storing an image

file including moving image data and a scenario file wherein the scenario file includes a

reproduction start point and a reproduction end point of the moving image data of the

image file (fig 2, 2600, video buffer) and a reproducer (fig 3, 2000) for reproducing the

moving image data in accordance with the reproduction start point and the reproduction

end point (fig 3, 2600, video buffer)

Regarding **claim 46**, Mori et al the image reproducing apparatus wherein the

scenario file includes frame number information corresponding to the frame numbers of

the moving image data (col 27, lines 24 – 33, illustrates frame number of moving image

data)

Regarding **claim 47**, Mori et al further discloses the image reproducing

apparatus wherein the image file includes time stamp data, and the scenario file

includes time information corresponding to the time stamp data (col 11, lines 25 – 30

and col 23, lines 46 – 58, illustrate presentation time stamp PTS and decoding time

stamp DTS column 32, lines 44-67)

Regarding **claim 50**, Mori et al further discloses the image reproducing

apparatus comprising:

a memory for storing moving image data, a reproduction start point of the moving

image data, and a reproduction end point of the moving image data, (fig 2, 400, video

stream buffer) wherein the moving image data, the reproduction start point of the

moving image data and the reproduction end point of the moving image data are stored

in an image file, wherein the image file is stored in the memory (fig 2, 400, video stream

buffer)

a scenario file stored in the memory, wherein the scenario file includes at least

one of a replaying speed of the image file, a number of repetitions for replaying the

image file, a replay range of the image file, a special effect, and a replay of sound

associated with the image file (see claim 3 above) and

a reproducer for reproducing the moving image data in accordance with the

reproduction start point and the reproduction end point (see claim 45 above)

Claim 19 is rejected for the same reasons as discussed in claim 1 above

Claim 20 is rejected for the same reasons as discussed in claim 3 above.

Claim 21 is rejected for the same reasons as discussed in claim 4 above.

Claim 22 is rejected for the same reasons as discussed in claim 5 above.

Claim 23 is rejected for the same reasons as discussed in claim 6 above.

Claim 29 is rejected for the same reasons as discussed in claim 10 above.

Claim 48 is rejected for the same reasons as discussed in claim 3 and 45 above.

Claim 51 are rejected for the same reasons as discussed in claim 45 above.

4.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al

(US 5854873) in view of Niida et al (US 6002837).

Regarding **claim 7**, Mori et al discloses all the features of the instant invention as

discussed in claim 1 above except for providing a corrector for detecting an

inconsistency when the plurality of moving image files is replayed along with the

scenario file, and for correcting the inconsistency according to one of a predetermined

priority order or an externally input correction instruction.

Niida et al teaches an image reproducing apparatus (Fig. 2) having a corrector

for detecting an inconsistency (drop out) when the plurality of image files is replayed

and correcting the inconsistency according to one of a predetermined priority order or

an external input correction instruction (Fig. 2 and column 4, line 33 to column 6, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate the drop out correction circuit of Niida et al into the invention of

Mori et al in order to increase the quality of the reproducing video signal by correcting

the drop out.

5.   Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et

al (US 5854873) in view of Kikuchi et al (5815160).

Regarding **claim 12**, Mori et al discloses all the features of the instant invention

as discussed in claim 10 above except for providing a common data bus; a

microprocessor connected to the common data bus; an image memory connected to the

common data bus; a compress/decompression circuit connected to the common data

bus; a display driver connected to the common data bus; and a disk drive connected to the common data bus.

Kikuchi et al teaches a presentation system having a common data bus (system bus of Fig. 15) and various devices are connected to the common data bus (Fig. 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate capability of connecting electronic devices to the common data bus as taught by Kikuchi et al into the invention of Mori et al in order to simplify the constructing of the apparatus.

6.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (US 5854873) in view of Suga et al (6192191).

Regarding **claim 25**, Mori et al discloses all the features of the instant invention except for providing that thumbnail images are displayed on the display to represent image files and scenario files.

Suga et al teaches a recording medium having the capability of displaying thumbnails so that the user can edit the desired image files through an intuitive operation only on the thumbnail display screen (fig 1, col 7, line 42 to col 8, line 17)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of displaying the thumbnails represent the image files as taught by Suga et al in the invention of Mori et al in order to simplify the operation in editing the image files.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H. /
06/30/2009

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621